

EILEEN M. DECKER  
United States Attorney  
PATRICK R. FITZGERALD  
Assistant United States Attorney  
Chief, National Security Division  
JAY H. ROBINSON (Cal. Bar No. 230015)  
MELANIE SARTORIS (Cal. Bar No. 217560)  
Assistant United States Attorneys  
Terrorism and Export Crimes Section  
1500 United States Courthouse  
312 North Spring Street  
Los Angeles, California 90012  
Telephone: (951) 276-6267  
(213) 894-5615  
Facsimile: (951) 276-6202  
(213) 894-7631  
E-mail: jay.robinson@usdoj.gov  
melanie.sartoris@usdoj.gov

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIYA CHERNYKH,  
TATIANA FAROOK, and  
SYED RAHEEL FAROOK,

Defendants.

No. ED CR 16-292-JGB

STIPULATION REGARDING REQUEST FOR  
(1) CONTINUANCE OF TRIAL DATE AND  
(2) FINDINGS OF EXCLUDABLE TIME  
PERIODS PURSUANT TO SPEEDY TRIAL  
ACT

**CURRENT TRIAL DATE:**  
**November 8, 2016**

**[PROPOSED] TRIAL DATE:**  
**March 28, 2017**

Plaintiff United States of America, by and through its counsel  
of record, the United States Attorney for the Central District of  
California and Assistant United States Attorneys Jay H. Robinson and  
Melanie Sartoris, and defendants MARIYA CHERNYKH ("CHERNYKH"),  
TATIANA FAROOK, and SYED RAHEEL FAROOK ("defendants"), by and through

1 their counsel of record, David Kaloyanides, Dyke Huish, and Ron  
2 Cordova, respectively, hereby stipulate as follows:

3 1. The Indictment in this case was made public on April 28,  
4 2016. Defendants first appeared before a judicial officer of the  
5 court in which the charges in this case were pending on April 28,  
6 2016. The Speedy Trial Act, 18 U.S.C. § 3161, originally required  
7 that the trial commence on or before July 7, 2016.

8 2. On April 28, 2016, the Court set a trial date of June 21,  
9 2016, and a status conference date of June 6, 2016.

10 3. The Court has previously continued the trial date in this  
11 case from June 21, 2016 to November 8, 2016, and found the interim  
12 period to be excluded in computing the time within which the trial  
13 must commence, pursuant to the Speedy Trial Act. The Court also  
14 continued the status conference from June 6, 2016 to October 31,  
15 2016.

16 4. Defendant CHERNYKH was released on bond pending trial in  
17 this matter but, following her release, was taken into the custody of  
18 the Department of Homeland Security, Immigration and Customs  
19 Enforcement. Defendants TATIANA FAROOK and SYED RAHEEL FAROOK are  
20 released on bond pending trial. The parties estimate that the trial  
21 in this matter will last approximately 6-8 days. All defendants are  
22 joined for trial and a severance has not been granted.

23 5. By this stipulation, defendants move to continue the trial  
24 date to March 28, 2017 at 9:00 a.m., and the status conference to  
25 March 13, 2017 at 2:00 p.m. This is the second request for a  
26 continuance.

1           6. Defendants request the continuance based upon the following  
2 facts, which the parties believe demonstrate good cause to support  
3 the appropriate findings under the Speedy Trial Act:

4           a. Defendants are charged with a violation of 18 U.S.C.  
5 § 371: Conspiracy. In addition, defendant CHERNYKH is charged with  
6 violations of 18 U.S.C. § 1546: Fraud and Misuse of Visas, Permits,  
7 and Other Documents; 18 U.S.C. § 1621: Perjury; and 18 U.S.C.  
8 § 1001(a)(2): Material False Statements. This case involves a large  
9 amount of discovery, which the government estimates to include  
10 several thousands of pages of reports of investigation and other  
11 documents, and hundreds of hours of audio and/or video recordings  
12 constituting at least 4 terabytes of data. Production of discovery  
13 is ongoing. The parties reached a stipulation to request a  
14 protective order concerning discovery produced in this matter, which  
15 the Court approved, and continue to meet and confer about discovery.

16           b. Defense counsel represent that they will not have the  
17 time that they believe is necessary to prepare to try this case on  
18 the current trial date.

19           c. Specifically, defense counsel for defendant CHERNYKH  
20 is presently in trial in People v. Lee, San Bernardino Superior Court  
21 Case No. FMB 1400414. This is a special circumstance murder trial,  
22 which commenced on September 19, 2016, and is estimated to last until  
23 November 17, 2016. He is also scheduled to be in multi-defendant  
24 Hobbs Act conspiracy trial starting on December 5, 2016, in United  
25 States v. Ausbie, et al., 16-CR-0155-JCM-CWH, in the United States  
26 District Court for the District of Nevada. Counsel is also advisory  
27 counsel for a pro se defendant in United States v. Vanderveldt, 15-  
28 CR-00082-JGB, which is a retaliation against federal law enforcement

1 officer by false claim and obstruction of the administration of the  
2 internal revenue code case set for trial on January 10, 2017.

3 Accordingly, defense counsel represents that he will not be available  
4 or have the time that he believes is necessary to prepare to try this  
5 case on the current trial date.

6 d. Defense counsel for SYED RAHEEL FAROOK is scheduled to  
7 be in the Southern District of Texas for a sentencing hearing in  
8 United States v. Smith, a multi-defendant case, on November 14, 2016;  
9 in a specially set hearing in Imperial County Superior Court on  
10 November 15, 2016; and in the Southern District of New York for a  
11 sentencing hearing in United States v. Linderman, a multi-defendant  
12 case, on November 21, 2016. Counsel is also scheduled to be in the  
13 following trials: (1) People v. Sun, Orange County Superior Court,  
14 which is set for December 13, 2016, and estimated to last 3-5 days;  
15 and (2) People v. Carattini, San Bernardino Superior Court, which is  
16 set for January 9, 2017, and estimated to last 6-8 days.

17 Accordingly, defense counsel represents that he will not be available  
18 or have the time that he believes is necessary to prepare to try this  
19 case on the current trial date.

20 e. Defense counsel for TATIANA FAROOK is scheduled to be  
21 in a felony preliminary hearing on November 7, 2016, in People v.  
22 Buell, which is expected to involve numerous witnesses and could last  
23 for more than two days. If the People of the State of California  
24 prevail in the preliminary hearing, the case is expected to proceed  
25 at that time without any further waivers of time by defendant. On  
26 November 14, 2016, counsel is scheduled to be in Houston, Texas for  
27 an evidentiary hearing in a multi-defendant counterfeit and fraud  
28 case, United States v. Martin, that involves several out-of-state

1 witnesses. Accordingly, counsel represents that he will not be  
2 available or have the time that he believes is necessary to prepare  
3 to try this case on the current trial date.

4 f. In light of the foregoing, counsel for defendants also  
5 represent that additional time is necessary to confer with  
6 defendants, conduct and complete an independent investigation of the  
7 case, conduct and complete additional legal research including for  
8 potential pre-trial motions, review the discovery and potential  
9 evidence in the case, and prepare for trial in the event that a  
10 pretrial resolution does not occur. Defense counsel represent that  
11 failure to grant the continuance would deny them reasonable time  
12 necessary for effective preparation, taking into account the exercise  
13 of due diligence.

14 g. Defendants believe that failure to grant the  
15 continuance will deny them continuity of counsel and adequate  
16 representation.

17 h. The government does not object to the continuance.

18 i. The requested continuance is not based on congestion  
19 of the Court's calendar, lack of diligent preparation on the part of  
20 the attorney for the government or the defense, or failure on the  
21 part of the attorney for the Government to obtain available  
22 witnesses.

23 7. For purposes of computing the date under the Speedy Trial  
24 Act by which defendant's trial must commence, the parties agree that  
25 the time period of November 8, 2016, to March 28, 2017, inclusive,  
26 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),  
27 (h)(7)(B)(i), and (h)(7)(B)(iv) because the delay results from a  
28 continuance granted by the Court at defendant's request, without

1 government objection, on the basis of the Court's finding that: (i)  
2 the ends of justice served by the continuance outweigh the best  
3 interest of the public and defendant in a speedy trial; (ii) failure  
4 to grant the continuance would be likely to make a continuation of  
5 the proceeding impossible, or result in a miscarriage of justice; and  
6 (iii) failure to grant the continuance would unreasonably deny  
7 defendant continuity of counsel and would deny defense counsel the  
8 reasonable time necessary for effective preparation, taking into  
9 account the exercise of due diligence.

10 8. Nothing in this stipulation shall preclude a finding that  
11 other provisions of the Speedy Trial Act dictate that additional time  
12 periods be excluded from the period within which trial must commence.  
13 Moreover, the same provisions and/or other provisions of the Speedy  
14 Trial Act may in the future authorize the exclusion of additional  
15 time periods from the period within which trial must commence.

16 IT IS SO STIPULATED.

17 Dated: October 11, 2016

Respectfully submitted,

18 EILEEN M. DECKER  
19 United States Attorney

20 PATRICK R. FITZGERALD  
21 Assistant United States Attorney  
Chief, Criminal Division

22 /s/ Melanie Sartoris  
23 JAY H. ROBINSON  
24 MELANIE SARTORIS  
Assistant United States Attorneys

25 Attorneys for Plaintiff  
26 UNITED STATES OF AMERICA  
27  
28

1 I am Defendant MARIYA CHERNYKH's attorney. I have carefully  
 2 discussed every part of this stipulation and the continuance of the  
 3 trial date with my client. I have fully informed my client of her  
 4 Speedy Trial rights. To my knowledge, my client understands those  
 5 rights and agrees to waive them. I believe that my client's decision  
 6 to give up the right to be brought to trial earlier than March 28,  
 7 2017 is an informed and voluntary one.

8  
 9 /s/ David Kaloyanides

October 12, 2016

10 DAVID KALOYANIDES  
 11 Attorney for Defendant  
 MARIYA CHERNYKH

Date

12 I am Defendant TATIANA FAROOK's attorney. I have carefully  
 13 discussed every part of this stipulation and the continuance of the  
 14 trial date with my client. I have fully informed my client of her  
 15 Speedy Trial rights. To my knowledge, my client understands those  
 16 rights and agrees to waive them. I believe that my client's decision  
 17 to give up the right to be brought to trial earlier than March 28,  
 18 2017 is an informed and voluntary one.

19  
 20 /s/ Dyke Huish

October 12, 2016

21 DYKE HUIH  
 22 Attorney for Defendant  
 TATIANA FAROOK

Date

23 I am Defendant SYED RAHEEL FAROOK's attorney. I have carefully  
 24 discussed every part of this stipulation and the continuance of the  
 25 trial date with my client. I have fully informed my client of his  
 26 Speedy Trial rights. To my knowledge, my client understands those  
 27 rights and agrees to waive them. I believe that my client's decision  
 28

1 to give up the right to be brought to trial earlier than March 28,  
2 2017 is an informed and voluntary one.

3 /s/ Ron Cordova  
4 RON CORDOVA  
5 Attorney for Defendant  
6 SYED RAHEEL FAROOK

October 12, 2016  
Date